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SERVICE DATE - MARCH 16, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-32 (Sub-No. 97X)

BOSTON AND MAINE CORPORATION—ABANDONMENT EXEMPTION—IN
MIDDLESEX COUNTY, MA

STB Docket No. AB-355 (Sub-No. 29X)

SPRINGFIELD TERMINAL RAILWAY COMPANY—DISCONTINUANCE OF SERVICE
EXEMPTION—IN MIDDLESEX COUNTY, MA

Decided: March 12, 2004

Boston & Maine Corporation (B&M) and Springfield Terminal Railway Company (ST) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments and Discontinuances for B&M to abandon and ST to discontinue service over a line of railroad, known as the Tewksbury Branch, extending from milepost 0.0 to milepost .75, in Middlesex County, MA. Notice of the exemption was served and published in the Federal Register on February 13, 2004 (69 FR 7284-85). The exemption is scheduled to become effective on March 17, 2004.

The Board's Section of Environmental Analysis (SEA) issued an environmental assessment (EA) in this proceeding that was served on February 20, 2004, and requested comments by March 8, 2004. In the EA, SEA states that the U.S. Department of Commerce, National Geodetic Survey (NGS), has identified one geodetic station marker that may be affected by the proposed abandonment. SEA also states in the EA that the U.S. Army Corps of Engineers (Corps) has advised that a Corps permit could be required for salvage activities associated with the proposed abandonment. According to the Corps, a permit would be required under section 404 of the Clean Water Act for discharges of dredged or fill material into waters of the United States. These waters include navigable waters, inland rivers, lakes, streams, and wetlands. The Corps indicated that the type of salvage activities associated with the abandonment would determine the specific permit that would be required. Accordingly, SEA recommends in the EA that the following conditions be placed on any decision granting abandonment authority requiring B&M to: (1) consult with NGS and provide NGS with 90 days' notice before disturbing or destroying any geodetic station markers; and (2) consult with the Corps before beginning salvage activities to determine its permitting requirements.

No comments to the EA were filed by the March 8, 2004 due date. Accordingly, the environmental conditions recommended by SEA in the EA will be imposed.

As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the conditions that B&M: (1) consult with NGS and provide NGS with 90 days' notice before disturbing or destroying any geodetic station markers; and (2) consult with the Corps before beginning salvage activities to determine its permitting requirements.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary